

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PNC EQUIPMENT FINANCE, LLC, a	:	
Delaware limited liability company, successor	:	Case No. 1:13-cv-862
to PNCEF, LLC, an Indiana limited liability	:	
company, fka National City Commercial	:	(Judge Timothy S. Black)
Capital Company, LLC,	:	
	:	
Plaintiff,	:	<u>STIPULATION AND AGREED</u>
	:	<u>ORDER GRANTING JUDGMENT</u>
vs.	:	<u>TO PNC EQUIPMENT FINANCE,</u>
	:	<u>LLC</u>
	:	
GAIL CARRICK, et al.,	:	
	:	
Defendants.	:	

PNC Equipment Finance, LLC, a Delaware limited liability company, successor to PNCEF, LLC an Indiana limited liability company, fka National City Commercial Capital Company, LLC ("PNC") and Gail Carrick ("G. Carrick"), Brian Carrick ("B. Carrick") and Mark Carrick ("M. Carrick") (collectively "Defendants") stipulate and agree, and the Court finds, as follows:

STIPULATED FACTS

1. Defendants each executed an Agreement of Guaranty in favor of National City Commercial Capital Company, LLC ("NC4") on or about May 9, 2007 pursuant to which they jointly and severally guaranteed to NC4, its successors and assigns, the prompt payment of all indebtedness of Carrick Trucking, Inc. ("Carrick Trucking") under that certain Loan and Security Agreement by and between NC4 and Carrick Trucking and the promissory note(s) executed and delivered in connection therewith. (The Loan and Security Agreement and all note(s) executed in connection therewith, shall be referred to herein collectively as, the "Loan".)

2. Carrick Trucking filed a Petition for relief under Chapter 11 of the United States Bankruptcy Code with the United States Bankruptcy Court for the Eastern District of Michigan, Case No. 13-20904 (the "Bankruptcy Case") on or about April 1, 2013 (the "Petition Date").

3. As of September 12, 2013, \$97,838.97 was due and owing under the Loan.

4. As successor to NC4, PNC is the current holder of the Loan.

5. On or about February 7, 2014, PNC received a distribution of \$90,000.00 in the Bankruptcy Case in connection with sale of the collateral securing Carrick Trucking's obligations under the Loan.

6. After application of the \$90,000.00, \$9,360.65 (including attorneys' fees of \$1,521.86 and interest through September 12, 2013), plus interest at the rate of 6.676% from September 12, 2013, remains due and owing under the Loan.

7. PNC is a Delaware limited liability company with its principal offices located at 995 Dalton Avenue, Cincinnati, Ohio 45203. PNC's sole member is PNC Bank, N.A. PNC Bank, N.A. is a national bank chartered under the laws of the United States with its home office, as set forth in the Articles of Association, located in Delaware and with its principal place of business in the Commonwealth of Pennsylvania. PNC is, thus, a citizen of both Delaware and Pennsylvania.

8. Defendants each reside in, and are citizens of, Michigan.

9. Jurisdiction is proper before this Court pursuant to 28 U.S.C. § 1332(a)(1) as PNC and each of Defendants are citizens of different states and the amount in controversy at the time of filing of the Complaint herein exceeded \$75,000.00.

10. Defendants each consent to venue in this judicial district.

11. Defendants are each subject to personal jurisdiction in the judicial district pursuant to the forum-selection clause in the instrument(s) giving rise to this action.

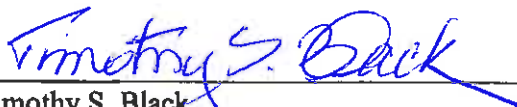
12. Defendants have each either been properly served and/or consented, accepted or waived service of process herein.

AGREEMENT AND ORDER

NOW, THEREFORE, in consideration of the mutual promises and agreements as well as the stipulations and findings set forth herein, the parties, by and through their undersigned counsel, hereby agree as follows, and it is ORDERED that judgment be, and hereby is, entered in favor of Plaintiff PNC Equipment Finance, LLC and against Defendants Gail Carrick, Brian Carrick and Mark Carrick, jointly and severally, in the amount of \$9,360.65, plus interest at the rate of 6.676% from September 12, 2013 until paid in full.

IT IS SO ORDERED.

Date: 2/18/14


Timothy S. Black
United States District Judge

Agreed:

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